

07-2MA-007-1A

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

MAR 9, 2007

1. Name of Project John Robertson Development
2. Location of Project 5630 Limaburg Road, Burlington, KY 41005
3. Total Acreage of Site Front 1.18 acres (of 2.62 tract)
4. Current Zoning of Site C-1 (rest of tract I-1)
5. Proposed Zoning (Classification being requested) C-3 Front Tract only
6. Proposed Uses (please specify each use) Retail specialty auto parts store and offices. See Narrative attached.
7. Names of Applicant(s) John Robertson (thru attorneys C.J. Victor
Phone Number Atty 859-525-1441 Fax No. 525-1475
8. Address of Applicant(s) Atty 6601 Dixie Highway
Florence, KY 41042
City State Zip
9. Name of Property Owner(s) John Robertson
Phone Number 859-393-2663 Fax No. _____
10. Address of Property Owner(s) 1763 Harvest Court
Burlington, KY 41005
City State Zip
11. Proposed Building Intensities (please specify) Existing buildings on site will remain same as before without changes.
12. Are there any existing buildings on the site? (3) Three on site preexisting
How many? 3
13. Deed Book 309 Page No. 307 317 Group No. 4153 2026
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? No. See Narrative Attached.
16. Have you had a pre-application meeting with BCPC Staff? Yes (Kevin Wall)
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: None, building already in use by conforming tenants. All utilities and inspections done.

Boone County Water District

Florence Public Services Dept.

Duke Energy

Sanitation District #1

Cincinnati Bell

Owen Electric Cooperative, Inc.

Boone County Public Works Department

Kentucky Transportation Cabinet

Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **John Robertson through attorney C.J. Victor (applicant)** for **John Robertson (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-3 zone within an existing building.

April 18, 2007

REQUEST

This application proposes to change the existing zoning classification from Commercial One (C-1) to Commercial Services (C-3) for 1.18 acres of a 2.62 acre tract to allow uses permitted in the C-3 zone within an existing building. The Principally Permitted Commercial Services (C-3) uses have been attached with the stricken uses from the narrative (attached) shown as such. The permitted freestanding signage varies by zone with the Commercial One (C-1) being 10' high - 100 s.f. maximum, to the Commercial Services (C-3) zone where the maximum is a 30' high - 200 s.f. architectural freestanding sign.

SITE HISTORY

This site was the subject of Zoning Map Amendment from Industrial One (I-1) to Commercial One (C-1) in 1987.

A Major Site Plan for this property was approved on April 16, 2003.

ADJACENT LAND USES AND ZONING

- North: Property across Distribution Drive owned by Wolfe zoned Industrial One (I-1).
- East: Properties within the Commerce Park West Industrial Subdivision zoned Industrial One (I-1).
- South: Property owned by the Precision Construction zoned Industrial One (I-1).
- West: Properties across Limaburg Road owned by Sanders and Ryle zoned Commercial Services (C-3) as well as the Sky Harbor Apartments zoned Urban Residential One (UR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Industrial" (I) uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The adopted Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- E. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- F. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usages ("Business Activity," Objective).

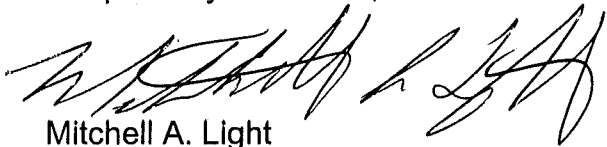
STAFF COMMENTS/CONCERNS

- 1. The applicant has submitted a narrative with this application that eliminates certain Principally Permitted uses. The Committee may want to discuss the remaining Principally Permitted uses when this item comes before them.
- 2. The C-1 and C-3 zones have different requirements when it comes to freestanding signage. Both zones are based on lot frontage for the height and square footage. The C-1 zoning allows a maximum 10' high, 100 s.f. monument sign. The C-3 zoning allows a maximum 30' high, 200 s.f. architectural freestanding sign. Article 40 defines an architectural freestanding sign as "A freestanding sign which does not have a bare, exposed, and unadorned pole structure(s), but rather uses: a cover or skirting around the pole structure(s), or; a structure constructed of materials, colors, and design details which match or correlate to the principle building on the site, or; the pole structure(s) is designed to have sculptural or artistic characteristics. A monument style sign may be substituted as the permitted freestanding sign on parcels where an architectural freestanding sign is permitted."

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the 2001-02 Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area.

Respectfully submitted,

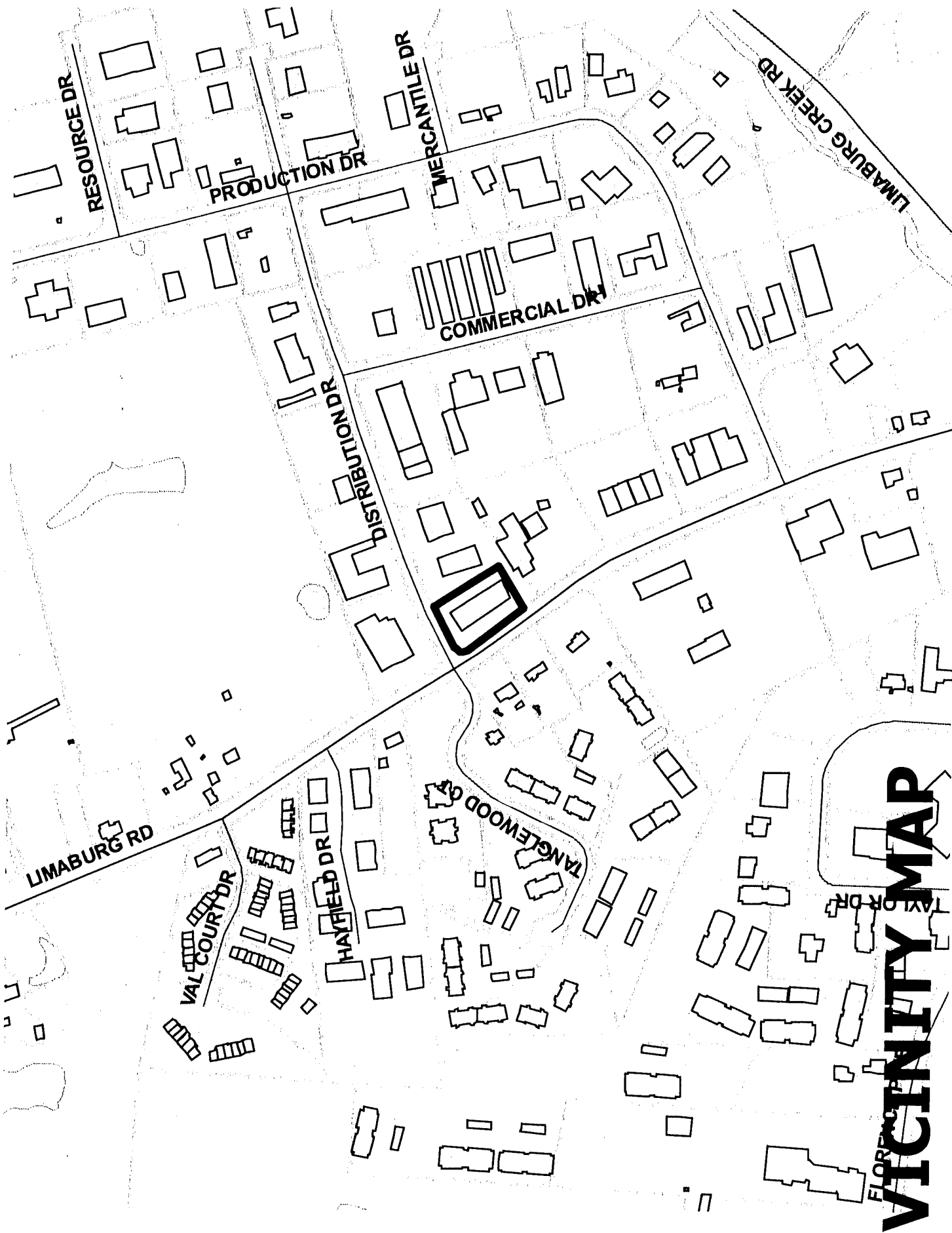


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

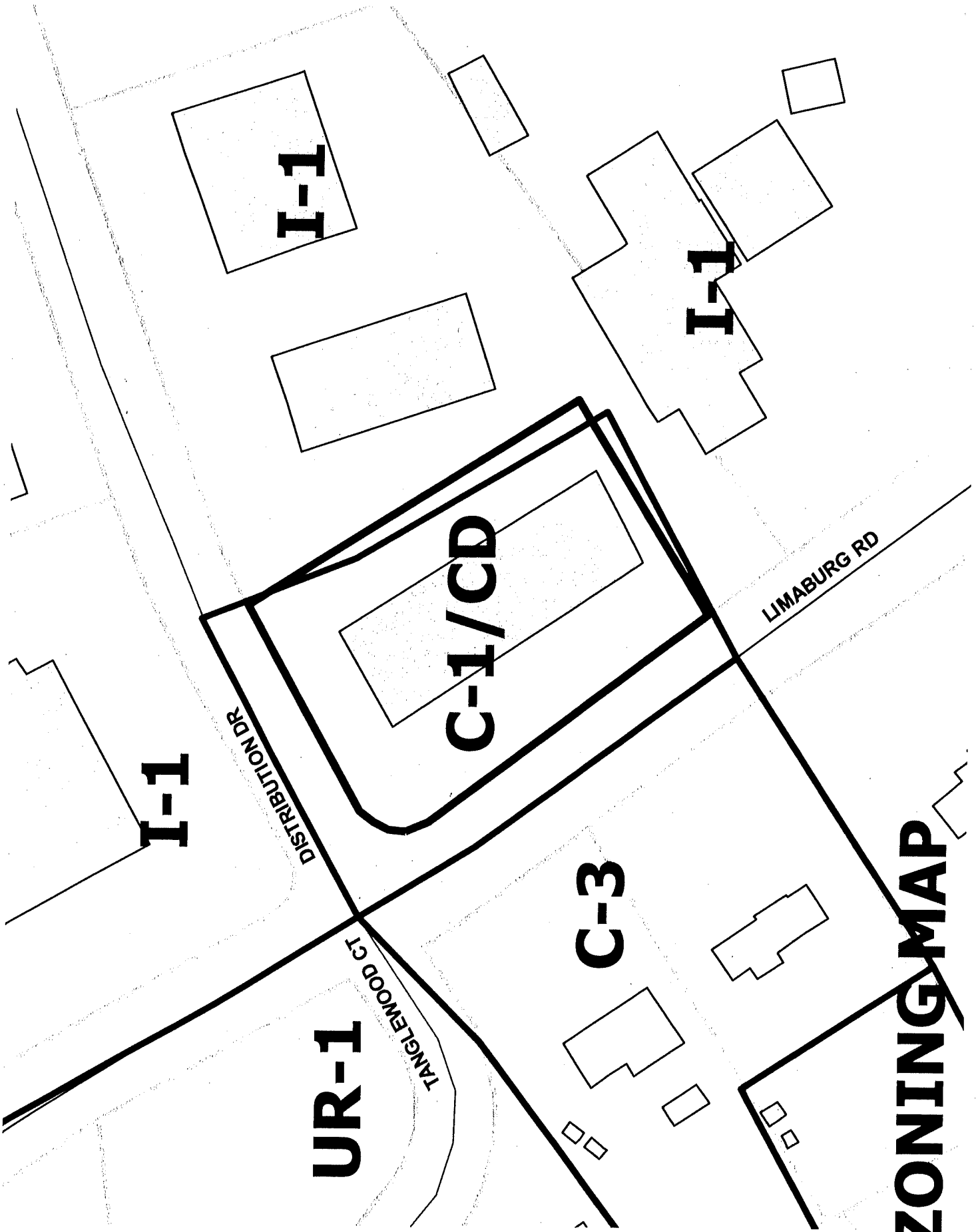
attachments:

- Vicinity Map
- Zoning Map
- 2030 Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- Property Plat
- Narrative
- C-3 Text
- C-1 Text
- Application

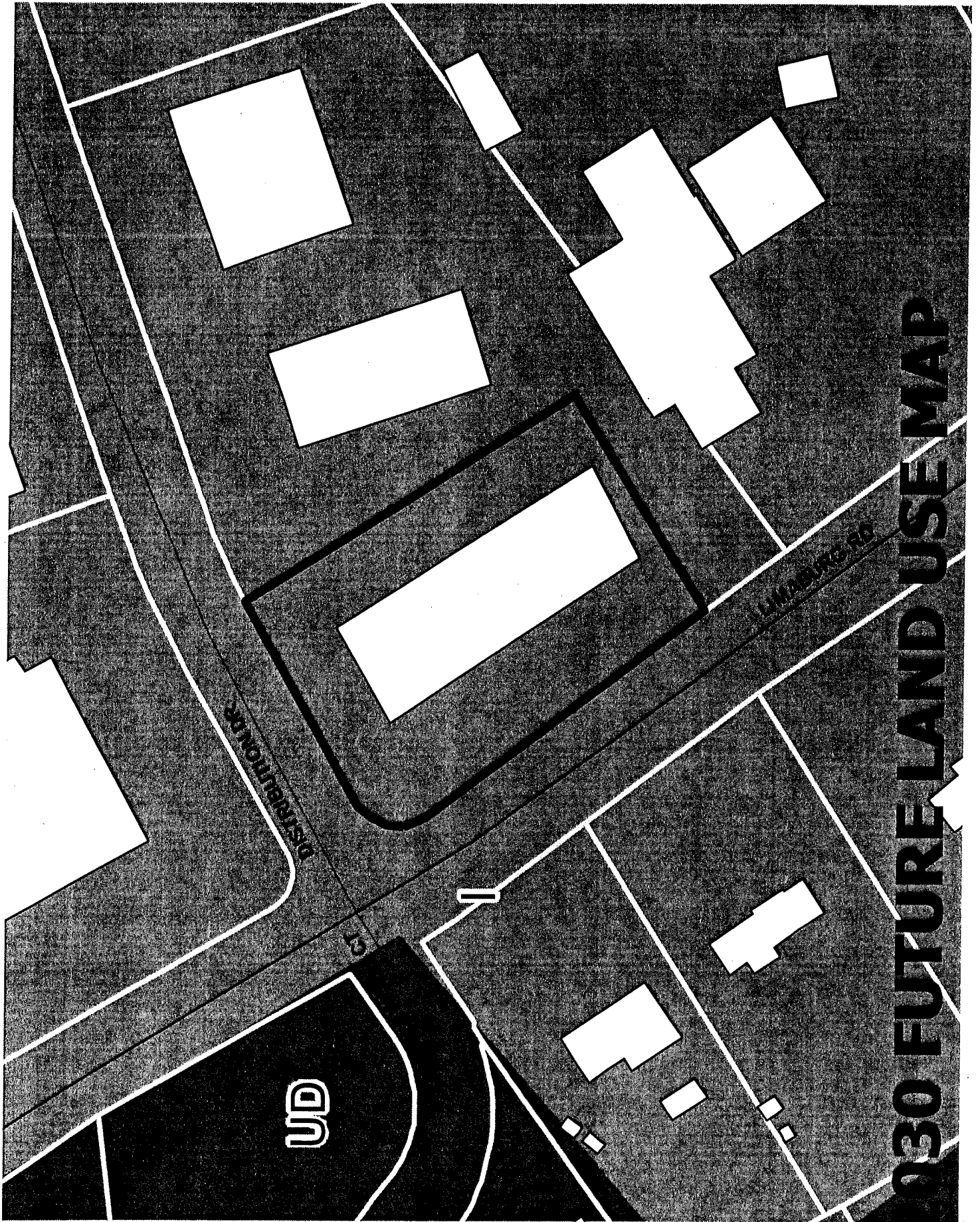


VICINITY MAP

FLORENCE, SC



ZONING MAP



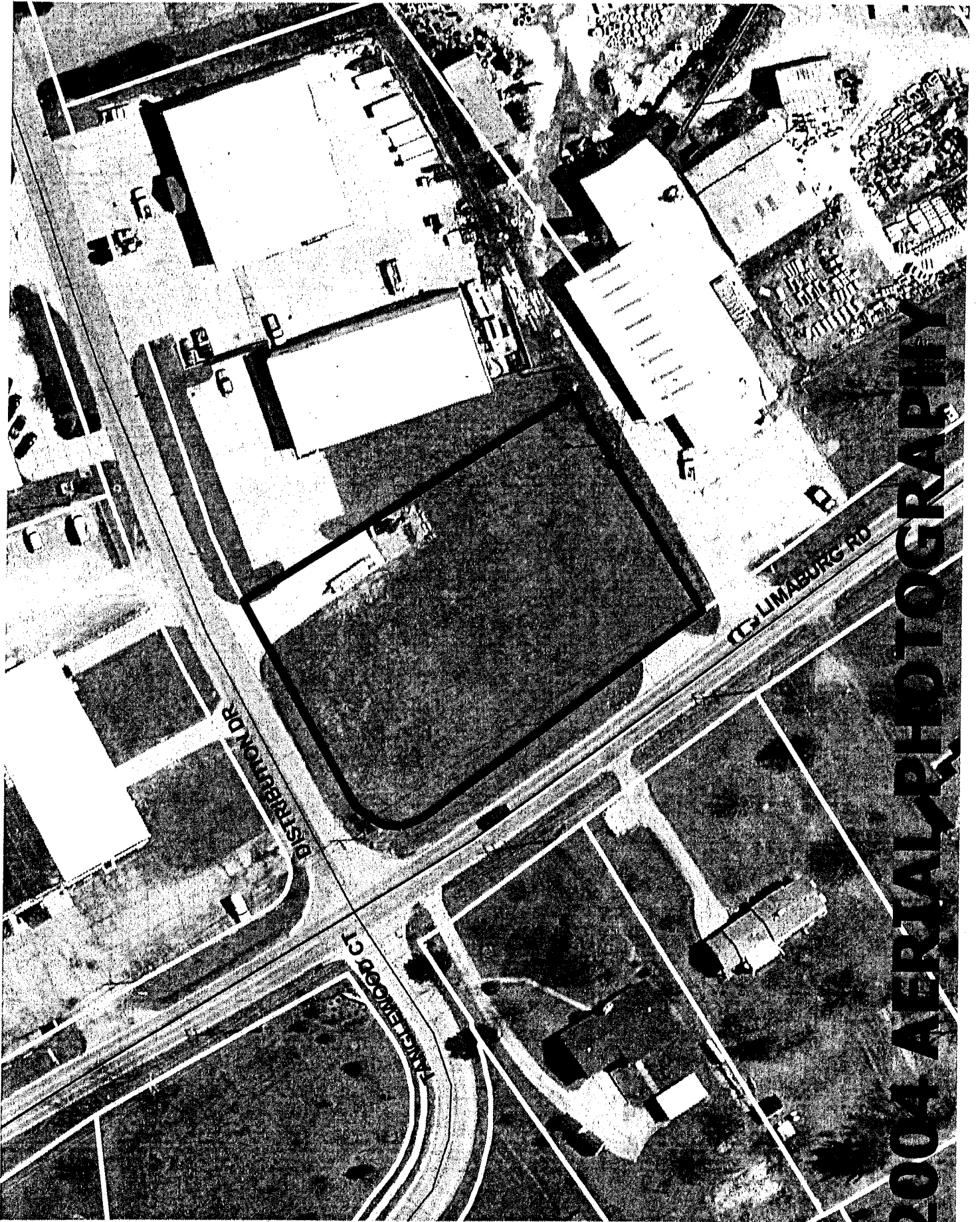
2030 FUTURE LAND USE MAP

DISTRICTION DR

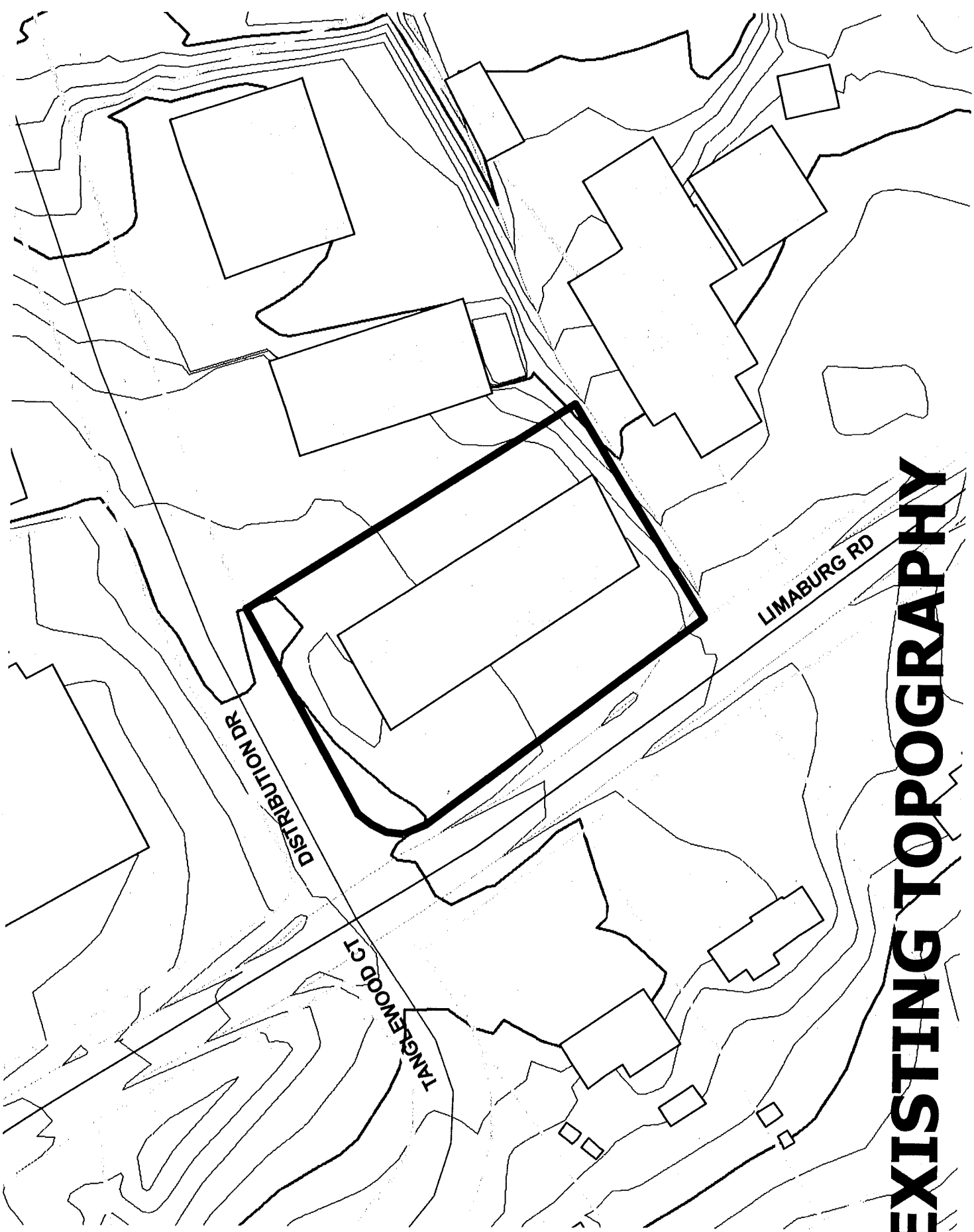
L. MADURE RD

UD

CT



2004 AERIAL PHOTOGRAPHY



EXISTING TOPOGRAPHY

L=18.24'
R=572.96'
 $\Delta=01^{\circ}49'27''$
C LEN=18.24'
BRG=S61^{\circ}28'44''W

EXISTING I-1 ZONE

N60^{\circ}34'00''E 177.49'

DISTRIBUTION DRIVE

EXISTING I-1 ZONE

EXISTING BUILDING

S35^{\circ}41'57''E 260.86'

S58^{\circ}57'12''V 49.23'

EXISTING I-1 ZONE

EXISTING C-1 ZONE

1.18 ACRES

EXISTING BUILDING

S54^{\circ}39'30''W 140.88'

N36^{\circ}38'49''W 277.68'

LIMABURG ROAD

EXISTING I-1 ZONE

EXISTING C-3 ZONE

PROPERTY PLAT



C. J. VICTOR ATTORNEY-AT-LAW

6601 Dixie Highway
Florence, KY 41042

TELEPHONE (859) 525-1441
FAX (859) 525-1475



March 9, 2007

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Re: John Robertson Zoning Map Amendment
Location: 5630 Limaburg Road, Burlington, KY 41005

Please find attached a Zoning Map Amendment Application Form which my office is submitting for my client, John Robertson, regarding the above referenced property.

The zone change sought is for only the front 1.18 acres of his tract of land located on the corner of both Limaburg Road and Distribution Drive. A drawing and legal description of the 1.18 tract of land (prepared by Vlox & Vlox) which is the subject of this request is attached and incorporated herein by reference.

The 1.18 acres tract owned by John Robertson is currently zoned C-1 and a one floor building was constructed upon the front tract three years ago. (See attached picture of existing building). The Owner agrees that if the zone change is granted, he will not change in any way the exterior of the present building or

permit any changes to the current parking lot. The Owner agrees to be bound by a copy of the previous site plan submitted to the Boone County Planning Commission with the previous zone change request, as may have been amended or supplemented by the Boone County Planning Commission in granting the previous C-1 zone change. (See attached copy of Site Plan dated 1/15/03).

The 1.18 front tract has an existing C-3 Zone sitting directly across the street from it (see map showing parcels located at 5613 and 5637 Limaburg Road) which contains over 1.5 acres in those two tracts altogether. The proposed zone change would tack onto this adjoining C-3 tract allowing a combined C-3 Zone of over 2.5 acres in this one location. This would bring the current non-conforming C-3 use (1.5 acre tract) into closer and better conformity with the current zoning regulations which require a 3.0 acre tract. A listing of adjoining property owners is attached and incorporated herein by reference.

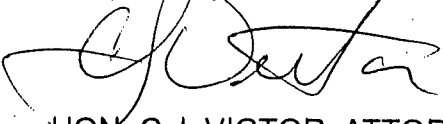
The proposed zone change would not be incompatible with surrounding land uses. This 1.18 front tract is less than 4/10ths of a mile north on Limaburg Road from a large C-3 Zone situated at the intersection of KY 18 and Limaburg Road (which zone includes two existing auto repair businesses), and less than 2/10ths of a mile north on Limaburg Road from a building with tenants operating a small church, a karate school, and a store dealing in specialized truck bed linings. The requested zone map amendment by John Robertson to C-3 would permit him to rent two of his lease spaces to a specialty auto parts store, a use very comparable to these nearby business operations.

The Owner agrees that some C-3 uses would not be appropriate for this particular location. Accordingly, the Owner would agree to prohibit the following otherwise legitimate uses of a C-3 zone at this particular location.

- commercial parking facilities and commercial recreational parking facilities;
- eating and drinking establishments including alcoholic beverages;
- gasoline filling stations, car and truck washes, including no junk yards, wrecking or other storage;
- hotels and motels;
- flea markets;
- check cashing businesses;
- pawn shops;

If further information or documentation is necessary, please feel free to contact my office at any time.

Respectfully submitted;



HON. C.J. VICTOR, ATTORNEY
6601 Dixie highway
Florence, KY 41042
859-525-1441
Fax 859-525-1475

ADJOINING PROPERTY OWNERS

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
- ~~3. Commercial parking facilities and commercial recreational vehicle parking facilities;~~
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
5. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
- ~~7. Eating and drinking establishments including alcoholic beverages;~~
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;
9. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
12. Equipment (light), automobile, truck rental and leasing services;

- ~~13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;~~
- 14. Sale of satellite dishes;
- 15. Florists including greenhouses;
- 16. General dry goods and merchandise stores;
- 17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
- 18. Household appliances, china, glassware and metal ware;
- 19. Medical and dental laboratory services;
- 20. Travel arranging, transportation ticket and public event or promotional booking agencies;
- ~~21. Hotels and motels including convention facilities;~~
- 22. Auto parts and accessories stores;
- ~~23. Flea markets;~~
- 24. Churches, synagogues, temples and other places or religious assembly for worship;
- ~~25. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~
- ~~26. Pawn shops. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~

SECTION 1032

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Amusement centers;
 - d. Tennis courts and billiards;

- e. Play lots, tot lots, recreation centers and similar athletic uses;
 - f. Swimming beaches and swimming pools;
 - g. General, leisure, ornamental and other park spaces;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. Appropriate storage of a recreation vehicle or unit;
 - e. The keeping and use of appropriate household pets;
 3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Temporary buildings incidental to construction;
 6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
 7. The rental of trucks and trailers;
 8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1033

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;
2. Truck stops.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;**(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)** The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;

15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:

- a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
 3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Temporary buildings incidental to construction;
 6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
 7. Retail sale of motor fuels;
 8. Drive-up photo finishing services and automatic teller services;
 9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
 10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the

district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

MAR 9 2007

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Phone Number Atty 859-525-1441 Fax No. 525-1475
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City State Zip
9. Name of Property Owner(s) John Robertson
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No Conditional Use Permit
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16. Have you had a pre-application meeting with BCPC Staff? Yes (Kevin Wall)
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Florence Public Services Dept.

Duke Energy

Sanitation District #1

Cincinnati Bell

Owen Electric Cooperative, Inc.

Boone County Public Works Department

Kentucky Transportation Cabinet

Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**April 18, 2007
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:27 PM and introduced the first item on the Agenda:

Applicant: **John Robertson through attorney C. J. Victor for
John Robertson (owner)**

Request: **Zoning Map Amendment**

**The request of John Robertson through attorney C. J. Victor (applicant) for
John Robertson (owner) for a Zoning Map Amendment from Commercial
One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre
tract located at 5630 Limaburg Road, Boone County, Kentucky. The request
is for a zone change to allow uses permitted in the C-3 zone within an existing
building.**

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. C. J. Victor, attorney with offices at 6601 Dixie Highway, Florence, was present on behalf of John Robertson, the applicant and owner of the property. Mr.

Victor stated that Mr. Robertson wants to put a specialty auto parts store in two of the six shops in the existing building. The one-story building fronts on Limaburg Road. No changes will be made to the building or the parking lot. He stated that there is 1.5 acres of C-3 zoning across the street, and this tract is just over one acre. When the two areas are combined, there will be a 2.5 acre tract, which is in closer conformity to the 3-acre requirement for an independent C-3 zoning district. Currently, there is a 1.5 acre tract zoned C-3 with two residential houses across the street. He stated that allowing this zone change and these types of uses would be more in conformity with the Zoning Regulations. They do not want to change the nature of the businesses in the area. They have struck from the list of Principally Permitted Uses the uses that would be obnoxious to any of the residents in the area. He stated that this would be a 9 AM to 6 PM or 7 PM operation and the residential traffic would not be extreme at that time. He stated that three of the spaces are currently rented. He stated that four tenths of a mile down the road towards the Limaburg Road/KY 18 intersection there are two auto repair stores and two-tenths of a mile away there is a small church, a Karate School, and a store that deals in specialized truck bed liners – which is similar to the proposed use of specialized auto parts. He stated that they are agreeable to striking the uses that are lined through on the list of Principally Permitted Uses attached to the Staff Report (uses #3, 7, 13, 21, 23, 25 and 26). He stated that there is industrial all around the tract and he does not think that an auto parts store or any of the remaining Permitted Uses would significantly affect the area. This concluded the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.


Mr. Breetz asked if the applicant said they would be willing to restrict all night time operations. Chairman Caddell responded that he did not hear the applicant say that, but the Staff Report indicated that there could be some additional discussion between the Committee and the applicant as they review the C-3 Principally Permitted Uses and possibly additional uses will be deleted.

Mr. Victor stated that he cannot say they would never have any nighttime operations, but they are willing to eliminate any obnoxious Permitted Uses that would create late night traffic on a continual basis.

Mr. Bunger stated that some of the Permitted Uses that are currently on the list require related outside storage and that will be an important consideration at the Committee Meeting. He asked the applicant to be prepared for that discussion. Mr. Victor stated that he does not think there is room on the tract for outside storage.

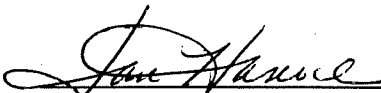
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 2, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 16, 2007 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

**May 16, 2007
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Patrick Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the May 2, 2007 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Rolfsen moved that they be approved as mailed. Mr. Bunger seconded the motion and it carried unanimously.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the May 2, 2007 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Rolfsen moved that they be approved as mailed. Mr. Charlie Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of John Robertson through attorney C. J. Victor (applicant) for John Robertson (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-3 zone within an existing building.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owners have signed the letter agreeing to the conditions.

Chairman Caddell asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. C. J. Victor stated that they will abide by all of the conditions. He asked that the Committee Report be adopted.

Chairman Caddell asked if there was anyone present who wished to make a summary statement on behalf of the opposition. There was no response.

There being no discussion, **Mr. Bunger moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report including the conditions. Mr. Charlie Reynolds seconded the motion and it carried unanimously.**

EXHIBIT

“B”

12. Equipment (light), automobile, truck rental and leasing services;
- ~~13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;~~
14. Sale of satellite dishes;
15. Florists including greenhouses;
16. General dry goods and merchandise stores;
17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
18. Household appliances, china, glassware and metal ware;
19. Medical and dental laboratory services;
20. Travel arranging, transportation ticket and public event or promotional booking agencies;
- ~~21. Hotels and motels including convention facilities;~~
22. Auto parts and accessories stores;
- ~~23. Flea markets;~~
24. Churches, synagogues, temples and other places or religious assembly for worship;
- ~~25. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. **(APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)**~~
- ~~26. Pawn shops. **(APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)**~~

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**April 18, 2007
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:27 PM and introduced the first item on the Agenda:

Applicant: **John Robertson through attorney C. J. Victor for John Robertson (owner)**

Request: **Zoning Map Amendment**

The request of John Robertson through attorney C. J. Victor (applicant) for John Robertson (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-3 zone within an existing building.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. C. J. Victor, attorney with offices at 6601 Dixie Highway, Florence, was present on behalf of John Robertson, the applicant and owner of the property. Mr.

Victor stated that Mr. Robertson wants to put a specialty auto parts store in two of the six shops in the existing building. The one-story building fronts on Limaburg Road. No changes will be made to the building or the parking lot. He stated that there is 1.5 acres of C-3 zoning across the street, and this tract is just over one acre. When the two areas are combined, there will be a 2.5 acre tract, which is in closer conformity to the 3-acre requirement for an independent C-3 zoning district. Currently, there is a 1.5 acre track zoned C-3 with two residential houses across the street. He stated that allowing this zone change and these types of uses would be more in conformity with the Zoning Regulations. They do not want to change the nature of the businesses in the area. They have struck from the list of Principally Permitted Uses the uses that would be obnoxious to any of the residents in the area. He stated that this would be a 9 AM to 6 PM or 7 PM operation and the residential traffic would not be extreme at that time. He stated that three of the spaces are currently rented. He stated that four tenths of a mile down the road towards the Limaburg Road/KY 18 intersection there are two auto repair stores and two-tenths of a mile away there is a small church, a Karate School, and a store that deals in specialized truck bed liners – which is similar to the proposed use of specialized auto parts. He stated that they are agreeable to striking the uses that are lined through on the list of Principally Permitted Uses attached to the Staff Report (uses #3, 7, 13, 21, 23, 25 and 26). He stated that there is industrial all around the tract and he does not think that an auto parts store or any of the remaining Permitted Uses would significantly affect the area. This concluded the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

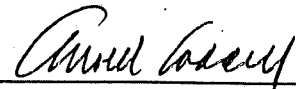
Mr. Breetz asked if the applicant said they would be willing to restrict all night time operations. Chairman Caddell responded that he did not hear the applicant say that, but the Staff Report indicated that there could be some additional discussion between the Committee and the applicant as they review the C-3 Principally Permitted Uses and possibly additional uses will be deleted.

Mr. Victor stated that he cannot say they would never have any nighttime operations, but they are willing to eliminate any obnoxious Permitted Uses that would create late night traffic on a continual basis.

Mr. Bunger stated that some of the Permitted Uses that are currently on the list require related outside storage and that will be an important consideration at the Committee Meeting. He asked the applicant to be prepared for that discussion. Mr. Victor stated that he does not think there is room on the tract for outside storage.

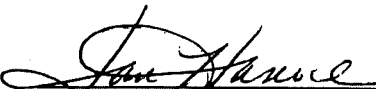
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 2, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 16, 2007 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 2, 2007

RE: Request of John Robertson through attorney C.J. Victor (applicant) for John Robertson (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-3 zone within an existing building.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Robertson
May 2, 2007

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Charlie Rolfsen

Charlie Rolfsen

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Jim Carmichael (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 4 FOR PROJECT 2 ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
 2950 Washington Street, Room 317
 P.O. Box 958
 Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

May 8, 2007

Mr. C.J. Victor
 6601 Dixie Highway
 Florence, KY 41042

JR

RE: Request of John Robertson through attorney C.J. Victor (applicant) for John Robertson (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-3 zone within an existing building.

Dear Mr. Victor:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their May 2, 2007 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner, in the space provided at the end of this letter, and return the original letter to the Planning Commission office by Friday, May 11, 2007.

CONDITIONS

1. The property owner agrees that the hours of operation for any business located on the subject property will not open before 8:00 a.m. and will close no later than 10:00 p.m.
2. The property owner agrees that there will be no outside storage on the subject property.
3. The property owner agrees to a 16 foot high and 120 square foot monument style sign.
4. The property owner agrees to the following list of principally permitted uses for the subject property (prohibited uses are stricken):

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
- ~~3. Commercial parking facilities and commercial recreational vehicle parking facilities;~~
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
5. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

Mr. C.J. Victor
May 8, 2007
Page 2

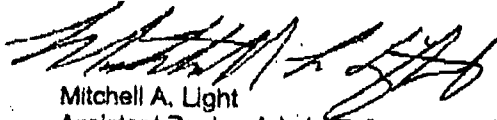
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
- ~~7. Eating and drinking establishments including alcoholic beverages;~~
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;
- ~~9. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;~~
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
12. Equipment (light), automobile, truck rental and leasing services;
- ~~13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;~~
14. Sale of satellite dishes;
15. Florists including greenhouses;
16. General dry goods and merchandise stores;
17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
18. Household appliances, china, glassware and metal ware;
19. Medical and dental laboratory services;
20. Travel arranging, transportation ticket and public event or promotional booking agencies;
- ~~21. Hotels and motels including convention facilities;~~
22. Auto parts and accessories stores;
- ~~23. Flea markets;~~
24. Churches, synagogues, temples and other places or religious assembly for worship;

Mr. C.J. Victor
May 8, 2007
Page 3

~~25. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 360.010 to 360.120. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~

~~26. Pawn shops. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~

Sincerely,

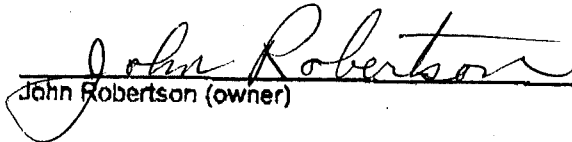


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, John Robertson, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky to allow uses permitted in the C-3 zone within an existing building.


John Robertson (owner)

5-15-07
Date



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vloxInc.com

February 20, 2007

PARCEL TO BE REZONED FROM C-1 TO C-3

Located in Boone County, Kentucky, lying on the east side of Limaburg Road and the south side of Distribution Drive and is more particularly described as follows:

Beginning at a point at the centerline intersection of Limaburg Road and Distribution Drive; thence with the centerline of Distribution Drive N 60°34'00" E 177.49 feet to a point; thence with a curve turning to the right with an arc length of 18.24 feet, a radius of 572.96 feet, a chord bearing of N 61°28'43" E, and a chord length of 18.24 feet; thence leaving said centerline S 35°41'57" E 260.86 feet to a point; thence S 58°57'12" W 49.23 feet to a point; thence S 54°39'30" W 140.88 feet to a point in the centerline of Limaburg Road; thence with said centerline N 36°38'49" W 277.68 feet the point of beginning.

ORDINANCE 07-16

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF JOHN ROBERTSON THROUGH ATTORNEY C.J. VICTOR (APPLICANT) FOR JOHN ROBERTSON (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL SERVICES (C-3) FOR A 1.18 ACRE PORTION OF A 2.62 ACRE TRACT LOCATED AT 5630 LIMABURG ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial One (C-2) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

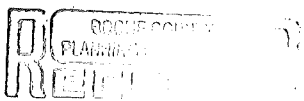
SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Commercial One (C-1) to Commercial Services (C-3) for a 1.18 acre portion of a 2.62 acre tract located at 5630 Limaburg Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial One (C-1) zone is more particularly described in DEED BOOK 309, PAGE NO. 317 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."



JUL 31 2008

SECTION III

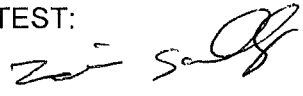
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 1st th day of June, 2007.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 10 th day of July, 2007, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


LOUIS KELLY
FISCAL COURT CLERK


ROBERT NEACE
COUNTY ATTORNEY

7-19-07
DATE PUBLISHED